

NSC INTERAGENCY TASK FORCE ON THE LAW OF THE SEA

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NSC-D/LOS # 357

April 24, 1975

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MEMORANDUM

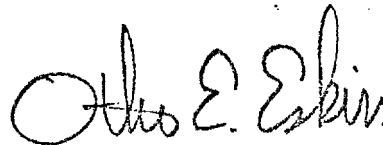
TO : Members of the LOS Executive Group

SUBJECT : Geneva LOS Conference Working Drafts

Attached for your information are
two working documents:

~~1. Single draft on Basic Conditions of
Exploitation and Exploration~~

2. Chairman's draft on the Exclusive
Economic Zone



Otho E. Eskin
Staff Director

Attachments:

As stated.

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State Dept. review completed

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EXCLUSIVE ECONOMIC ZONE

Draft prepared by the Chairman

77 CONTACT GROUP

1. Coastal states have the right to establish beyond their territorial sea an exclusive Economic zone which shall not extend beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.
2. Coastal states exercise in and throughout the exclusive Economic zone :
 - a) Sovereign rights for the purpose of exploring and exploiting the natural resources, whether renewable or non-renewable, of the water column the sea-bed and subsoil.
 - b) Rights with regard to other activities for the economic exploration and exploitation of the zone, such as the production of energy from the water, currents and winds.
 - c) Jurisdiction as provided for in this convention with regards to :
 - I). control, regulation and preservation of the marine environment including pollution control and abatement
 - II) control, authorization and regulation of scientific research
 - III) the establishment and use of artificial islands, installations and similar structures, including customs, fiscal, health and immigration regulation pertaining thereto.

Coastal states shall have the exclusive right to make and enforce regulations relating to the above rights and jurisdiction.

3. In exercising its rights and its jurisdiction under this convention, coastal states shall have due regard to the rights and duties of other states in the Economic zone as specified in this convention.

4. i) a. Land locked states and developing geographically disadvantaged states have the right to exploit the living resources of the exclusive Economic zone of neighboring coastal states and shall bear the corresponding obligations.
- b. In accordance with the provisions of paragraph ii) b. below, nationals of neighboring land-locked countries shall enjoy equal rights as nationals of coastal states or preferential rights over third states and bear the same obligations as nationals of the coastal state in the exploitation of the living resources of the exclusive economic zone.
- c. Nationals of neighboring developing geographically disadvantaged states shall enjoy preferential rights over third states and bear the same obligations as nationals of coastal states in the exploitation of living resources of the exclusive economic zone.
- ii) a. The above mentioned rights of nationals of land-locked or geographically disadvantaged states cannot be transferred to third parties by lease of licence, by establishing joint collaboration ventures, or by any other arrangement.
- b. Bilateral, subregional or regional arrangements shall be worked out for the purpose of ensuring the enjoyment of the rights and carrying out the obligations in paragraph 1, of this article.

5. For the purpose of these articles "geographically disadvantaged states" means states which :

- I) for geographical reasons cannot claim an exclusive economic zone; or
- II) for geographical, biological or ecological reasons derive no substantial economic advantage from establishing an exclusive zone and are adversely affected in their economies by the establishment of an economic zone by other States; or

- III) have short coastlines narrow shelves or are shelf-locked and would derive no substantial advantage from establishing an exclusive economic zone.

"Neighboring state" means a state of a region situated within reasonable proximity to a disadvantage state.

6. I) All states, whether coastal or not, shall enjoy in the exclusive Economic zone the right of freedom of navigation and overflight the right to lay submarine cables and pipelines and other uses of the sea related to navigation and communication, subject to the provisions of this convention.
- II) The laying and maintenance of submarine cables and pipelines on the seabed shall be subject to the provisions of Article...
- III) In exercising their rights and performing their duties under this convention, states shall have due regard to the rights and duties of the coastal state in the exclusive economic zone.

7. In cases where the convention does not attribute rights of jurisdiction to the coastal state or to other states within the exclusive economic zone, and a conflict arises between the interests of the coastal state and any other state or states, the conflict should be resolved on the basis of equity and in the light of all relevant circumstances, taking into account the respective importance to the parties of the interests involved as well as to the international community as a whole.

7th April 1975